

P/3426-7 Re

COMBINED DECLARATION AND POWER OF ATTORNEY
OF CARL L.C. KAH, III
FOR REISSUE PATENT APPLICATION

I, Carl L.C. Kah, III, declare as follows:

1. My residence, post office address and citizenship are as stated below next to my signature.
2. I believe I am the original, first and sole inventor of the subject matter which is described and claimed in U.S. Patent number 5,826,797 ("the '797 patent"), granted October 27, 1998, and for which a reissue is sought on the invention entitled OPERATIONALLY CHANGEABLE MULTIPLE NOZZLES SPRINKLER, in accordance with the preliminary amendment filed herewith, the specification of said patent being attached hereto.
3. I have reviewed and understand the contents of the above identified patent, including the specification and claims, as amended by any amendment referred to above.
4. I acknowledge the duty to disclose all information known to be material to patentability in accordance with 37 C.F.R. § 1.56.
5. I verily believe the '797 patent to be partly inoperative by reason of my claiming less than I had a right to claim in the patent.
6. At least one error upon which reissue is based is that independent claims 1 and 12 recite "means for" language, which, under 35 U.S.C. § 112, 6th paragraph, is construed to cover the corresponding structure described in the specification and equivalents thereof. Such a definition of the invention is narrower than necessary to distinguish the claimed invention over the prior art. Thus, I claimed less than I had a right to claim in the '797 patent.

POWER OF ATTORNEY

I hereby appoint customer no. 2352 OSTROLENK, FABER, GERB & SOFFEN, LLP, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Jerome M. Berliner - Reg. No. 18,653; Robert C. Faber - Reg. No. 24,322; Edward A. Meilman - Reg. No. 24,735; Stanley H. Lieberstein - Reg. No. 22,400; Steven I. Weisburd - Reg. No. 27,409; Max Moskowitz - Reg. No. 30,576; Stephen A. Soffen - Reg. No. 31,063; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944; Louis C. Dujmich - Reg. No. 30,625 and Douglas A. Miro - Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

SEND CORRESPONDENCE TO:

OSTROLENK, FABER, GERB & SOFFEN, LLP
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(212) 382-0700

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Carl L.C. Kah, III
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Carl L.C. Kah, III

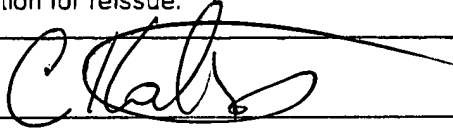
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PTO/SB/53 (12-87)

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REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER PATENT		Docket Number (Optional) P/3426-7
<p>This is part of the application for a reissue patent based on the original patent identified below.</p>		
Name of Patentee(s) Carl L.C. Kah, III		
Patent Number 5,826,797	Date Patent Issued October 27, 1998	
Title of Invention OPERATIONALLY CHANGEABLE MULTIPLE NOZZLES SPRINKLER		
<p>I am the inventor of the original patent.</p> <p>I offer to surrender the original patent.</p> <p>1. <input type="checkbox"/> Filed herein is a certificate under 37 CFR 3.73(b).</p> <p>2. <input checked="" type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent has been made.</p> <p>One of boxes 1 or 2 above must be checked.</p> <p>The written consent of all assignees owning an undivided interest in the original patent is included in this application for reissue.</p>		
Signature 	Date 10/2/00	
Typed or printed name Carl L.C. Kah, III		
<p>The assignee owning an undivided interest in said original patent is _____, and the assignee consents to the accompanying application for reissue.</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.</p>		
Name of assignee		
Signature of person signing for assignee	Date	
Typed or printed name and title of person signing for assignee		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.